

No. 18-1946

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Oct 25, 2018
DEBORAH S. HUNT, Clerk

LEAGUE OF WOMEN VOTERS OF
MICHIGAN, et al.,

Plaintiffs-Appellees,

v.

RUTH JOHNSON, in her official capacity as
Michigan Secretary of State,

Defendant,

LEE CHATFEILD; AARON MILLER,

Proposed Intervenor-Appellants.

ORDER

Before: COLE, Chief Judge; SUHRHEINRICH and THAPAR, Circuit Judges.

On August 14, 2018, a three-judge district court panel denied Lee Chatfield and Aaron Miller’s—two Michigan House of Representatives (“the Legislative Intervenor”)—motion to intervene in this apportionment action. The Legislative Intervenor appealed that decision and subsequently moved for a stay of the proceeding below pending their appeal. Approximately two weeks after the district court panel denied the Legislative Intervenor’s motion to intervene, this court issued its decision in *League of Women Voters of Michigan v. Johnson*, ___ F.3d ___, 2018 WL 4130794, (6th Cir. Aug. 30, 2018) (“*League of Women Voters I*”), granting eight Michigan members of the United States House of representatives the right to intervene in the lawsuit.

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Plaintiffs then filed a motion to remand, explaining “[a]s a practical matter and in order to preserve the trial date in the action below,” they no longer object to the Legislative Intervenors intervening in this case. Consequently, plaintiffs ask this court to remand the case and deny the motion to stay as moot. The Legislative Intervenors oppose an unqualified remand.

It is undisputed that the district court panel denied the Legislative Intervenors’ motion to intervene prior to, and without the benefit of, this Court’s decision in *League of Women Voters I*. Consequently, a remand is appropriate so that the district court panel may evaluate the Legislative Intervenors’ now-unopposed motion in light of the standards articulated in *League of Women Voters I*. See *Siding & Insulation Co. v. Alco Vending, Inc.*, 822 F.3d 886, 901 (6th Cir. 2016) (“[A] remand is required for the district court to apply the correct legal standard.”).

The motion to remand is **GRANTED** and the motion for a stay pending appeal is **DENIED AS MOOT**.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

Deborah S. Hunt
Clerk

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Re: Case No. 18-1946, *League of Women Voters of MI, et al v. Ruth Johnson, et al*
Originating Case No. : 2:17-cv-14148

Dear Counsel,

The Court issued the enclosed Order today in this case.

Sincerely yours,

s/Jill Colyer
Case Manager
Direct Dial No. 513-564-7024

cc: Mr. Mark C. Brewer
Mr. Ryan Hurley
Mr. Brian D. Shekell
Mr. Charles R. Spies
Mr. David J. Weaver
Mr. Joseph H. Yeager Jr.

Enclosure

No mandate to issue